



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,981	01/29/2004	Chih-Peng Chuang	3313-1105P	2809

2292 7590 08/31/2006

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
----------

AYRES, TIMOTHY MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3637

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/765,981	CHUANG, CHIH-PENG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy M. Ayres	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

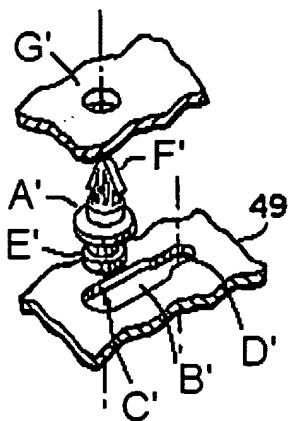
#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

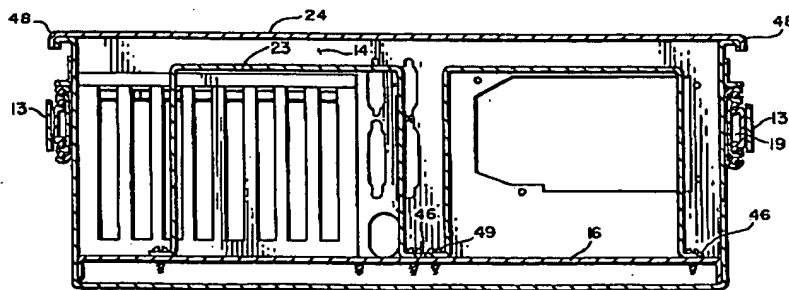
## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,587,877 to Ryan in view of US Patent 6,700,776 to Bang and UK Patent 2,186,653 to Cooke.
2. Ryan teaches a bracing structure for a moveable rack. A case (11, 35) with a lid (24) corresponding to the case to form a substantially closed housing compartment. In figure 6 a key-type bracing structure (49) is taught. The key-type bracing structure comprises a bracing strut (A') that engages a slot (B') that has a loading end (C') and an anchor end (D'). The loading end (C') has a diameter greater than that of the anchor end (D'). The bracing strut (A') has an anchor groove (E'). The bracing strut (A') is mounted to the spacer (16) via a spring tab end (F') that engages an aperture (G'). The key-type bracing structure is used to attach the movable rack (23) to the case bottom (35) via the spacer (16) as seen in figure 11.



Ryan '887 Figure 6



Ryan '887 Figure 11

3. Ryan does not expressly disclose the movable rack attached to the lid, the attachment means of the bracing strut being riveting, and an assisted coupling member at the loading end. Bang teaches a bracing structure for a moveable rack. A case (10) and a lid (20) corresponding the case (10) forms a housing (1). A movable rack (50) is mounted on the lid (20) by a plurality of screws (55) that are received in apertures (25,53).

4. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the bracing structure of Ryan by attaching the movable rack to the lid as taught by Bang to make it easier to assemble and disassemble.

5. Ryan in view of Bang does not expressly disclose the attachment means of the bracing strut being riveting and an assisted coupling member at the loading end. Cooke teaches a bracing strut (20) that engages a slot that has an anchor end (40) and a loading end (42). The loading end has an assisted coupling member (44). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the structure of Ryan in view of Bang by adding an assisted coupling member to the slot so that the bracing strut will contact the assisted coupling member thus aligning the bracing strut to the loading end and making it easier to engage. (Cooke '653, page 1, lines 105-119).

6. Regarding claim 2, Ryan in view of Bang and Cooke does not expressly disclose the attachment means of the bracing strut being riveting, the examiner takes Official notice that it is well known to rivet a bracing strut to a thin panel. Therefore it would

have been obvious for a person of ordinary skill in the art to modify the bracing structure of Ryan in view of Bang and Cooke by making the bracing strut out of metal and riveting it to the lid to hold the moveable rack so that spring tab end would be gone making the bracing strut have a lower profile.

***Response to Amendment***

The amendment to the specification filed on 6/20/06 is not entered since the page and line numbers do not line up with the original specification and it is unclear as to what paragraph is deleted and where the new paragraphs go.

***Response to Arguments***

7. Applicant's arguments filed 6/20/06 have been fully considered but they are not persuasive. In regards to the argument that Ryan and Bang each disclose a different design for an auxiliary bracing structure for a computer assembly. Ryan teaches a slot and strut attachment, but does expressly disclose where the strut and slot are and it appears that they would function in either location on the movable rack or the lid (spacer, 16). Also note that a mere reversal of the essential working parts of a device involves only routine skill in the art. See MPEP 2144.04 and there isn't any structure in Ryan or Bang to prevent this modification. Also, no objections to the Official notices were expressed. Note: it is assumed that none exist and therefore no further arguments on these notices will be entertained in the future.

8. In response to applicant's argument that Cooke is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Cooke solves the problem of attaching two structures together in an efficient manner substantially similar to the applicant's and to the prior art in the related field.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3637

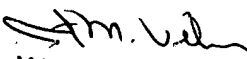
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TMA  
8/16/06



  
JANET M. WILKENS  
PRIMARY EXAMINER  
17643637